IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

-

WRIT PETITION NO : 29672 of 1995

Between:

Yelamaneni Krishna Kumari W/o. Rambabu
Fair Price Shop Dealer Paladugu Village,
Medikonduru Mandal, Guntur District.

..... PETITIONER

AND

1 The District Collector,
Guntur, Guntur District.
2 The Joint Collector
Guntur, Guntur District.
3 The Revenue Divisonal Officer,
Guntur, Guntur District.
4 Smt. Amathi Parvathi W/o. Sankara Rao,
R/o. Paladugu Village and Post, Medikonduru Mandal,
Guntur District.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari, or any other appropriate Writ, order or direction, calling for the records relating to Revision Case No.11/95/s7, dt.17-12-1995 of the 1st respondent, confirming the order of the 2nd respondent in A.C.D.Dis.No.49/94/s7, dt.15-4-1995, reversing the order of the 3rd respondent in Proceedings Rc.No.1231/91.G,
dt.13-12-1994 and quash the same as wholly arbitrary, highly illegal, unjust, and unconstitutional, and consequently direct the respondents, to continue the petitioner as Fair Price Shop Dealer of Paladugu Village, Medikonduru Mandal, Guntur District by supplying the essential commodities for the purpose of distributing the same to the card holders.

Counsel for the Petitioner: MR.D.RAMESH

Counsel for the Respondents 1 to 3: G.P. FOR CIVIL SUPPLIES

Counsel for the Respondent No.4: MR.G.VIJAYA KUMAR

The Court made the following:

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.29672 OF 1995

ORAL ORDER:

Heard both sides.

2. The petitioner challenges the order of the first respondent in Revision Case No.11/95/87, dated 17-12-1995, confirming the order of the second respondent in A.C.D.Dis.No.49/94/S7, dated 15-04-1995, reversing the order of the third respondent in Proceedings Rc.No.1231/91.G, dated 13-12-1994.

3. The only dispute is as regards the appointment of the petitioner as a 'Fair Price Shop Dealer'.

4. The case of the petitioner is that after following the procedure prescribed, he was appointed as 'Fair Price Shop Dealer' on 13-12-1994, by the third respondent. The second respondent had reversed the said order of appointment against which the petitioner had approached the revisional authority/the first respondent. Eventually, the said revision petition was dismissed. Hence, the present writ petition.

5. Initially, this Court granted interim suspension of the operation of the order of the first respondent in W.P.M.P.No.36593 of 1995, dated 29-12-1995. But, however, taking into consideration the

abovementioned events and also on the ground that all the issues, which are factual in nature, have been considered by the respondents, the order of interim suspension had been vacated.

6. The reasoning given by the learned Judge of this Court, in W.P.M.P.No.36593 of 1995 and W.V.M.P.No.271 of 1996, dated 20-02-1996, in vacating the said order of interim suspension do hold good to dismiss the present writ petition as well.

7. For the foregoing reasons, the writ petition is devoid of merits and is liable to be dismissed.

8. In the result, the writ petition is dismissed. However, there shall be no order as to costs.

D.S.R.VARMA, J

25TH NOVEMBER 2004

ISN/KRK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The District Collector, Guntur, Guntur District.

2.The Joint Collector, Guntur, Guntur District.

3.The Revenue Divisional Officer, Guntur, Guntur District.

4.Two CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad

(OUT).

5.Two CD copies.

THE HONOURABLE SRI JUSTICE D.S.R.VARMA

W.P.NO.29672 OF 1995

25TH NOVEMBEER 2004